

*City of Las Vegas*

**AGENDA MEMO**

**PLANNING COMMISSION MEETING DATE: NOVEMBER 29, 2007**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: TMP-25055 - APPLICANT: THE EQUITY GROUP - OWNER: DECATUR III, LLC, ET AL**

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**\*\* CONDITIONS \*\***

**STAFF RECOMMENDATION: APPROVAL**, subject to:

**Planning and Development**

1. Approval of the Tentative Map shall be for no more than two (2) years. If a Final Map is not recorded on all or a portion of the area embraced by the Tentative Map within two (2) years of the approval of the Tentative Map, this action is void.
2. All development shall conform to the Conditions of Approval for Site Development Plan Review (SDR-22582).
3. Street names must be provided in accordance with the City's Street Naming Regulations.
4. In conjunction with creation, declaration and recordation of the subject common-interest community, and prior to recordation of the Covenants, Codes and Restrictions ("CC&R"), or conveyance of any unit within the community, the Developer is required to record a Declaration of Private Maintenance Requirements ("DPMR") as a covenant on all associated properties, and on behalf of all current and future property owners. The DPMR is to include a listing of all privately owned and/or maintained infrastructure improvements, along with assignment of maintenance responsibility for each to the common interest community or the respective individual property owners, and is to provide a brief description of the required level of maintenance for privately maintained components. The DPMR must be reviewed and approved by the City of Las Vegas Department of Field Operations prior to recordation, and must include a statement that all properties within the community are subject to assessment for all associated costs should private maintenance obligations not be met, and the City of Las Vegas be required to provide for said maintenance. Also, the CC&R are to include a statement of obligation of compliance with the DPMR. Following recordation, the Developer is to submit copies of the recorded DPMR and CC&R documents to the City of Las Vegas Department of Field Operations.
5. All development is subject to the conditions of City Departments and State Subdivision Statutes.

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**Public Works**

6. The Final Map for this site shall be labeled as a “Merger and Resubdivision”.
7. The Final Map for this site shall dedicate the additional right-of-way necessary for a total 55 foot half street width along Decatur Boulevard for continuous dual left turn lanes. Dedications may be reduced by 5 feet in those locations where sidewalk is proposed to lie outside of the right-of-way, however appropriate pedestrian walkway easements shall be granted on this map for all public sidewalks located outside of public street right-of-way. This map shall also dedicate an additional 10 feet of right-of-way for a right turn lane at the northern most driveway entrance into this site, that provides 150 feet of storage and a 63-foot taper for the reverse curve, and an additional 10 feet of right-of-way in accordance with Standard Drawing 234.3 for a bus turnout/turn lane at Rice Avenue.
8. All lots created by this commercial subdivision map shall have perpetual, irrevocable common access rights to all driveways servicing this overall site unless incompatible uses can be demonstrated to the satisfaction of the City Engineer. Add a note to this effect on the Final Map.
9. Sewer service for this commercial subdivision shall be shown in accordance with one of the following three alternatives, and the appropriate Note shall appear on the face of the recorded Final Map:
  - I. Onsite sewers, 8-inches in diameter or larger, are public sewers within 20 foot wide dedicated public sewer easements.
  - II. Onsite sewers are a common element privately owned and maintained per the Conditions, Covenants, and Restrictions (CC&Rs) of this commercial subdivision.
  - III. Onsite sewers are a common element privately owned and maintained per the Joint Use Agreement of this commercial subdivision.
10. Add the following note to the Final Map: “All subdivided parcels comprising this commercial subdivision shall provide perpetual intersite common drainage rights across all existing and future parcel limits.”
11. The Final Map for this site shall show the Public Sewer and Drainage Easements per documents 20010720:01665 and 980610:00922.
12. Site development to comply with all applicable conditions of approval for SDR-22582 and all other site-related actions.

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13. The approval of all Public Works related improvements shown on this Tentative Map is in concept only. Specific design and construction details relating to size, type and/or alignment of improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to approval of the construction plans by the City. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the recordation of a Final Map or the approval of subdivision-related construction plans, whichever may occur first. Approval of this Tentative Map does not constitute approval of any deviations. If such approval cannot be obtained, a revised Tentative Map must be submitted showing elimination of such deviations.

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**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a request for a Tentative Map for a one-lot commercial subdivision on 36.43 acres at the northwest corner of Decatur Boulevard and Tropical Parkway. Staff recommends approval of this map. The Tentative Map conforms to the approved Site Development Plan Review (SDR-22582) for this site.

**BACKGROUND INFORMATION**

| <b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b> |  |
|---|--|
| 08/07/85  | The City Council approved the Community Profiles of the city of Las Vegas General Plan by Resolution. On this plan, the subject properties were designated for Rural Density Residential land uses (if residential) with a maximum density of two dwelling units per acre.   |
| 03/12/92  | The Planning Commission approved the three Land Use Sector Maps of the General Plan. The site was designated for M (Medium Density Residential) and SC (Service Commercial) land uses.   |
| 12/08/97  | The City Council approved a General Plan Amendment (GPA-0058-97) from ML (Medium-Low Density Residential) to SC (Service Commercial), and approved a Rezoning (Z-0109-97) from R-E (Residence Estates) and R-E (Residence Estates) under Resolution of Intent to R-PD8 (Residential Planned Development - 8 Units Per Acre) to C-1 (Limited Commercial) on the site. The City Council also approved a Rezoning (Z-0110-97) from R-E (Residence Estates) under Resolution of Intent to R-PD8 (Residential Planned Development - 8 Units Per Acre) to R-PD15 (Residential Planned Development - 15 Units Per Acre) on the western portion of the site. The Planning Commission and staff recommended approval. |
| 05/24/99  | The City Council approved the Centennial Hills Sector Map (GPA-0001-99) of the city of Las Vegas General Plan, which replaced the Northwest Sector Map.  |
| 09/06/00  | The City Council approved the Las Vegas 2020 Master Plan. This site is within the Centennial Hills Area as described in the Plan.  |
| 06/06/01  | The City Council approved a General Plan Amendment (GPA-0008-01) from M (Medium Density Residential) to SC (Service Commercial) and a Rezoning (Z-0018-01) from a Resolution of Intent to R-PD15 (Residential Planned Development - 15 Units Per Acre) to C-1 (Limited Commercial) on this site. The Planning Commission and staff recommended approval of both items.   |

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|   |   |
|---|---|
| 07/05/01  | The City Council approved a Site Development Plan Review [(Z-0018-01(1), Z-0109-97(1), Z-0110-97(2))] which allowed a proposed 262,640 square foot retail commercial development, which included this parcel. The Planning Commission and staff recommended approval.   |
| 07/24/03  | The City Council approved Extensions of Time (EOT-2504 and EOT-2502) of an approved Rezoning (Z-0018-01) to C-1 (Limited Commercial) and a Site Development Plan Review [(Z-0018-01(1), Z-0109-97(1), Z-0110-97(2))] for a proposed commercial development on this site, subject to expire on 07/05/05. The Planning Commission and staff recommended approval.   |
| 08/20/03  | The City Council granted an Extension of Time (EOT-2493) of an approved Site Development Plan Review [Z-0110-97(1)] for a proposed 140-unit multi-family residential development on 9.35 acres immediately to the west of the subject property. The Planning Commission and staff recommended approval. This extension will expire 06/29/05.  |
| 08/12/04  | The Planning Commission approved a Tentative Map (TMP-3624) for a two-lot commercial subdivision (Decatur III) on 27.38 acres adjacent to the northwest corner of Decatur Boulevard and Tropical Parkway. Staff recommended approval. A Final Map for this site has not been submitted.   |
| 07/06/05  | The City Council approved Extensions of Time (EOT 6798 and EOT-6799) of an approved Rezoning (Z-0018-01) an approved Site Development Plan Review [(Z-0018-01(1), Z-0109-97(1), Z-0110-97(2))] for a proposed commercial development on this site.  |
| 10/18/06  | The City Council tabled a General Plan Amendment (GPA-14118), Rezoning (ZON-14120), Variance (VAR-14122) and Site Development Plan Review (SDR-14114) that would have created a PCD designation with a PD zoning district to create a residential and commercial master planned development.  |
| 06/06/07  | The City Council approved an Extension of Time (EOT-20771) for an approved Rezoning (Z-0018-01). This request extends the Resolution of Intent to C-1 (Limited Commercial) on 3.6 acres of the project site. Staff recommended approval.  |
| 09/19/07  | The City Council approved a General Plan Amendment (GPA-22584) from M (Medium Density Residential) to SC (Service Commercial), a Rezoning (ZON-22583) from R-E (Residence Estates) under Resolution of Intent to R-PD15 (Residential Planned Development - 15 units per acre) to C-1 (Limited Commercial) and a Site Development Plan Review (SDR-22582) for a 458,053 square foot retail center on 36.43 acres at the northwest corner of Decatur Boulevard and Tropical Parkway. Planning Commission recommended approval while staff recommended denial. |
| <b><i>Related Building Permits/Business Licenses</i></b>                            |   |
| There are no active or pending building permits or business licenses for this site. |   |

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| <b><i>Pre-Application Meeting</i></b> |   |
|---------------------------------------|---|
| 09/24/07                              | The requirements for submittal of a Tentative Map were discussed. |

| <b><i>Field Check</i></b> |   |
|---------------------------|---|
| 06/27/07                  | The Department of Planning and Development conducted a site visit that found that the site was an undeveloped site consisting of desert vegetation and some trash. It appeared that the site has been used recently by ATV users. There were multiple subdivision directional signs for area developments on-site. The neighboring residential development to the west appeared to be mainly two-story homes along the perimeter of the site. |

| <b><i>Details of Application Request</i></b> |       |
|--|-------|
| <b><i>Site Area</i></b>                      |       |
| Gross Acres                                  | 36.43 |

| <b>Surrounding Property</b> | <b>Existing Land Use</b> | <b>Planned Land Use</b>             | <b>Existing Zoning</b>  |
|-----------------------------|--------------------------|-------------------------------------|---|
| Subject Property            | Undeveloped              | M (Medium Density Residential)      | R-E (Residence Estates) under Resolution of Intent to R-PD15 (Residential Planned Development - 15 Units Per Acre) [Proposed: C-1 (Limited Commercial)] |
|                             | Undeveloped              | SC (Service Commercial)             | R-E (Residence Estates) under Resolution of Intent to C-1 (Limited Commercial)  |
| North                       | ROW (CC 215)             | ROW (CC 215)                        | ROW (CC 215)  |
| South                       | Single Family, Detached  | ML (Medium Low Density Residential) | R-1 (Single Family Residential)   |
| East                        | Undeveloped              | North Las Vegas                     | North Las Vegas (C-1 and C-2)   |
| West                        | Single Family, Detached  | ML (Medium Low Density Residential) | R-PD6 (Residential Planned Development - 6 Units Per Acre)  |
|                             | Single Family, Detached  | ML (Medium Low Density Residential) | R-CL (Single Family Compact-Lot)  |
|                             | Single Family, Detached  | M (Medium Density Residential)      | R-PD8 (Residential Planned Development - 8 Units Per Acre)  |

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| <i>Special Districts/Zones</i>                    | <i>Yes</i> | <i>No</i> | <i>Compliance</i> |
|---|------------|-----------|-------------------|
| <b>Special Area Plan</b>                          |            | X         |                   |
| <i>Special Districts/Zones</i>                    | <i>Yes</i> | <i>No</i> | <i>Compliance</i> |
| <b>Special Purpose and Overlay Districts</b>      |            |           |                   |
| <b>Trails</b>                                     |            | X         | N/A               |
| <b>Rural Preservation Overlay District</b>        |            | X         | N/A               |
| <b>Development Impact Notification Assessment</b> |            | X         | N/A               |
| <b>Project of Regional Significance</b>           |            | X         | N/A               |

## **FINDINGS**

- **General information (Residential/Commercial)**

The site is located on the west side of North Decatur Boulevard, south of CC 215. This site consists of three undeveloped parcels of land along the city's border with the City of North Las Vegas. Characteristics of the tentative map conform to the approved Site Development Plan Review for this site (SDR-22582). Site access (ingress and egress) for this development is primarily from southbound Decatur Boulevard, a 100-foot Primary Arterial.

- **Cross Section**

The applicant is proposing no new perimeter walls. An existing six-foot masonry wall traverses the southern perimeter of the site buffering residential development.

- **Trails**

No required trails are directly adjacent to this development.

- **Special Conditions of Approval (from Zoning or SDPR)**

1. All development shall be in conformance with the site plan and landscape plan, date stamped and building elevations date stamped 09/13/07, except as amended by conditions herein.
2. Submission of a commercial subdivision map consolidating the parcels on the site prior to issuance of any building or grading permits.
3. 24-Hour security shall be provided on-site upon the issuance of building permits by the Building and Safety Department. No business licenses shall be issued for the site prior to the submittal of documentation that substantiates compliance with this condition.

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4. Delivery hours shall be limited to Monday through Saturday from the hours of 6:00 a.m. to 9:00 p.m.
5. Hours of operation for this development shall be: Friday and Saturday – 6:00 A.M. to 1:00 A.M. and Sunday through Thursday - 6:00 A.M. to midnight.
6. A revised site plan shall be submitted to and approved by the Planning and Development Department, prior to the time application is made for a building permit, to reflect the changes herein. The required perimeter and interior screening walls, per LVMC Title 19.08.050 and LVMC Title 19.12.075 must be indicated on the plan and a detail that illustrates the height and material to be used noted.
7. The driveway proposed on Decatur Boulevard shall align with Rice Avenue.
8. Tropical Parkway shall be posted “No Parking” adjacent to this site.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

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**NOTICES MAILED** N/A

**APPROVALS** 0

**PROTESTS** 0